

SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY



~~DRAFT~~ INTERIM STRATEGIC PLAN

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Inaugural 2010-2011

Sacramento-San Joaquin Delta Conservancy Board

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Table of Contents

Executive Summary	<u>67</u>
About the Sacramento-San Joaquin Delta Conservancy.....	<u>910</u>
Vision	<u>911</u>
Mission Statement.....	<u>912</u>
Description.....	<u>1013</u>
Governance	<u>1014</u>
Program Description	<u>1214</u>
Conservancy Guiding Principles	<u>1620</u>
Our Key Objectives	<u>1820</u>
Implementing Our Programs	<u>1921</u>
How We Operate	<u>2022</u>
Agency Assessment	<u>2123</u>
Conservancy's Three Year Organizational Strategic Goals	28
Create and Effective organization	28
Implement a balanced program.....	29
Identify funding needs and sources.....	30
Increase knowledge and capacity	30
Use and share best available information	31
<u>Conservancy's Mandates</u>	<u>32</u>

Conservancy's <u>Long-Term Goals and Near-Term Strategies</u>	<u>3332</u>
<u>Act as a primary state agency to implement ecosystem restoration in the Delta</u>	<u>33</u>
<u>Support efforts that advance the economic well-being of the Delta residents</u>	<u>34</u>
<u>Identify and secure adequate funding to carry out the conservancy's mission and mandates</u>	<u>35</u>
<u>Identify and establish partnerships with interested parties to further the Conservancy's mission and mandates, including educating and advocating for the Delta as a unique natural and significant economic resources</u>	<u>35</u>
Next Steps.....	<u>3650</u>
Acknowledgements	<u>2750</u>
Glossary	<u>3851</u>
Appendix A: <u>Sacramento-San Joaquin Delta Conservancy Act</u> es.....	<u>4051</u>

Growth is inevitable and desirable, but destruction of community character is not. The question is not whether your part of the world is going to change. The question is how.

EDWARD T. McMAHON

The best way to predict the future is to invent it.

IMMANUEL KANT

Executive Summary

The Sacramento-San Joaquin Delta Conservancy (~~SSJDC or the~~ Conservancy) is a state agency within the Natural Resources Agency and was established through legislation on February 3, 2010.

The Conservancy is a primary state agency to implement ecosystem restoration in the Delta in collaboration and cooperation with local governments and interested parties. In addition, the Conservancy is to support efforts that advance both environmental protection and the economic well-being of Delta residents in a complementary manner. These are the co-equal responsibilities of the Conservancy.

The Conservancy also has a broad array of other charges ranging from protecting and preserving Delta agriculture and working landscapes to assisting the Delta regional economy through the operation of the Conservancy's programs.

The Conservancy has statewide significance because it is integral to achieving the state's co-equal goals of ecosystem restoration and water supply reliability. The ~~SSJDC Con-~~servancy is charged with a broad mission that will be accomplished through collaboration and cooperation with various partners.

The ~~Delta~~ Conservancy Board is required by statute to complete and adopt a strategic plan within two years after hiring its executive officer (Public Resources Code Section 32376). The strategic plan will guide the vision, mission, and objectives of the Conservancy over the next three to five years.

Under Section 32376, the strategic plan will be developed in cooperation with various stakeholders through an open, public process. The plan will be designed to address the Conservancy's role and proposed actions regarding land use, recreation, water and flood management, and habitat conservation and protection within the legal Delta and Suisun Marsh.

The strategic plan shall also establish priorities and criteria for projects and programs, based upon an assessment of program re-

The Delta and Suisun Marsh

The Sacramento-San Joaquin Delta is at the confluence of the Sacramento River and San Joaquin River basins. This confluence is unique because the two river deltas merge into an inland delta. The Delta is the largest estuary on the west coast of North and South Americas, and is a unique natural resource of local, state, and national significance.

The Suisun Marsh is the largest contiguous brackish water marsh remaining on the west coast of North America and is a critical part of the San Francisco Bay and Sacramento-San Joaquin River Delta estuary ecosystem. The Marsh encompasses more than 10 percent of California's remaining natural wetlands.

The Delta is a significant agricultural resource. The Delta and Suisun Marsh, part of the Pacific Flyway, also offer numerous opportunities for recreation, such as boating, fishing, hiking, birding, and hunting.

quirements, resources, and funding needs throughout the Delta. Finally, the statute requires that the Conservancy's strategic plan be consistent with the Delta Plan, the Delta Protection Commission's Resource Management Plan, the Central Valley Flood Protection Plan, the Suisun Marsh Preservation Act of 1977, and the Habitat Management, Preservation, and Restoration Plan for the Suisun Marsh (Public Resources Code Sec. 32376). Two of these plans – the Delta Plan and the Central Valley Flood Protection Plan – are not yet completed.

Because two of the plans with which the Conservancy's strategic plan must be consistent are not completed, the Conservancy ~~is developing~~has developed the a draftan interim strategic plan to guide Conservancy operations through 2014. The plan outlines the vision, mission, and guiding principles of the Sacramento-San Joaquin Delta Conservancy, and develops the foundation for the programs and activities to achieve its vision and mission. Program areas are defined by law (Public Resources Code 32322).

Key information presented in this ~~draft of the~~ interim strategic plan includes:

- An agency vision describing the desired outcome of the Conservancy's efforts
- A mission statement that reflects the charge given to the Conservancy by the State Legislature and the Governor as defined in the Sacramento-San Joaquin Delta Conservancy Act (SBX7-1)
- A set of guiding principles that establish the basis for how the Conservancy will provide its services and relate to its stakeholders
- Assessment of the external and internal conditions that affect how the Conservancy can carry out its programs. In this context, external conditions are things over which the Conservancy has input, but little control, such as state regulations, other programs, or the budget process. Internal conditions are things over which the Conservancy has input and control, such as how to spend ~~the money-~~its funds, staffing, program priorities, etc.
- Series of organizational strategies and goals that describe the steps necessary to create a successful organization
- Set of ~~programmatic long-term~~ goals and ~~actions near-term strategies~~ to create a sound foundation for the Conservancy's work
- Glossary of terms used in this document

This ~~draft interim strategic plan~~ was created by Conservancy staff at the direction of the Strategic Plan subcommittee. ~~Staff anticipates that future versions of this draft interim strategic plan will be created~~ Staff anticipates that the final strategic plan will be devel-

oped through an open and transparent process that includes full Board participation and public workshops. The final ~~version of the~~ strategic plan must be adopted by the Board no later than two years after it hires the Conservancy's permanent executive officer (Public Resources Code Section 32376). The Conservancy hired its executive officer on XXXXXX, 2011. 2013 ~~[note: the 2013 date is if the executive officer is hired in 2011; Public Resources Code Section 32376].~~

The Conservancy may modify the ~~Plan~~ interim strategic plan as needed to adapt to new information, changed circumstances, or unanticipated events. Any ~~Plan~~ modifications will be made through the Board's open, public process. The strategic plan will be reviewed periodically to determine progress, and will be revised ~~at least every five years,~~ as necessary. ~~[note: is this what the subcommittee sees as the plan schedule?]~~

A copy of this interim strategic plan and other related information can be found at the Conservancy's website: <http://www.deltaconservancy.ca.gov>. CD or printed copies may also be requested by contacting the Conservancy at (916) 375-2084. Hard copies are available ~~also located~~ at our headquarter office at 3500 Industrial Blvd., West Sacramento.

About the Sacramento-San Joaquin Delta Conservancy

Vision

As a primary state agency to implement Delta ecosystem restoration and support efforts that advance environmental protection and economic well-being of Delta residents, our vision is:

The Conservancy acts with others to preserve, protect and restore the natural resources, economy, and agriculture of the Sacramento-San Joaquin Delta and Suisun Marsh, with a particular emphasis on agriculture. It will serve as an example of economy and environment in harmony. Our vision is of a rich, diverse, restored, and accessible Sacramento-San Joaquin Delta and Suisun Marsh.

Because of the importance of agriculture to both the economy and the environment of the Delta, the Conservancy anticipates a particular emphasis on working landscapes.

Mission Statement

Option 1: The Conservancy will partner with others to

- protect,
- preserve, ~~and~~
- enhance, and
- restore the Delta's
 - ✓ ~~Delta~~-environment,
 - ✓ agriculture and working landscapes,
 - ✓ heritage,
 - ✓ property,
 - ✓ regional economy, and
 - ✓ increase opportunities for tourism

for the benefit of the Delta region, its communities, and the citizens of California.

Option 2: The Conservancy will partner with others to protect, preserve, enhance, and restore the Delta's environment, agriculture and working landscapes, heritage, property, regional economy, and increase opportunities for tourism for the benefit of the Delta region, its communities, and the citizens of California.

Delta Region Description

The ~~SSJDC~~ Conservancy is a state agency within the California Natural Resources Agency. The Conservancy's service area is the statutory Delta and Suisun Marsh, approximately 1,300 square miles and more than 1,000 miles of levees and waterways. The Conservancy's service area is home to the largest estuary on the west coast of the Americas; is home to more than 750 species of plants and wildlife as well as 55 species of fish, and provides habitat to migratory waterfowl as part of the Pacific Flyway; and contains more than 500,000 acres of agricultural land with unique soils.

In this ~~draft~~ interim strategic plan, the term "Delta" refers to both the legally defined delta (Water Code Section 12220), ~~and~~ the Suisun Marsh, and parts of the Yolo Bypass.

Senate Bill X 7-1 directs the Delta Protection Commission (DPC) to prepare and submit to the legislature recommendations regarding the potential expansion of, or change to, the Primary Zone of the Delta. The DPC completed its Primary Zone Study in December 2010; the study recommended some changes to the Primary and Secondary Zones. Any changes to the legal delta definition will require legislative action. (Water Code Section 12220).

The economic base and primary land use in the Delta is agriculture. Delta agricultural lands are highly productive and Delta counties have recognized the value of the agriculture economy and have clearly delineated Delta lands for long-term agricultural use. Some agricultural lands also provide rich seasonal wildlife habitat. Thousands of acres of agricultural lands are shallowly flooded af-

What is ~~a~~ the Delta Conservancy?

There are ~~44~~ 10 conservancies established by California statute; the first was established in 1976. There is no overarching definition of "conservancy" in statute, ~~rather, and~~ each conservancy is defined in ~~and of itself in~~ its respective enabling legislation.

The Delta Conservancy shares some similarities with the other conservancies:

- it is concerned with preservation of natural resources, in our instance, specifically the Delta and Suisun Marsh
- it may own or manage land to fulfill its conservation mandates
- it may distribute grants to achieve its conservation mandates
- it may partner with local organizations to achieve its mandates

The Delta Conservancy differs from the other conservancies:

- its mandate goes beyond what is traditional for conservancies, e.g., agriculture and working landscapes, legacy communities and economic vitality, water quality
- it was not established with bond funding

The Delta Conservancy does not:

- develop regulations
- have the power of eminent domain

ter harvest and provide feeding and resting areas for resident and migratory birds and other wildlife. This practice of seasonal flooding helps maximize the wildlife values of agricultural areas and provides agricultural benefits.

The Delta also provides numerous opportunities for recreation, such as boating, kayaking, fishing, hiking, bird watching, and hunting. The navigable waterways of the Delta are available for public access and make up the majority of current recreational activities.

There is a rich natural, ~~agricultural~~, and cultural heritage in the Delta. It is home to the community of Locke, the only town in the United States built by early Chinese immigrants. Other legacy communities include Bethel Island, Clarksburg, Courtland, Freeport, Hood, Isleton, Knightsen, Rio Vista, Ryde, and Walnut Grove.

California depends on the Delta as a significant source of ~~food~~ farm products and water; the Delta supports a \$4 billion economy and is traversed by energy, communications, and transportation facilities vital to the economic health of the state. As important as it is to the state, the Delta has also been described as one of the most environmentally fragile areas of the United States.

The Conservancy's service area covers part of six counties, most of which fall into five counties often collectively called the Delta Counties. The Delta Counties are Contra Costa, Sacramento, San Joaquin, Solano, and Yolo. A small segment of Alameda County also is in the Conservancy's service area.

Governance

The Conservancy is governed by a 23-member Board, including 11 voting members, 2 non-voting members, and 10 liaison advisors (Public Resources Code Section 32330 et seq.) The Board's chair is selected from the Delta Counties representative (Public Resources Code Section 32332). Board composition is:

Voting Members. The voting members are:

~~o Secretary for Natural Resources Agency or designee~~
~~o Director of Finance or designee~~

- o Member or designee appointed by the Contra Costa County Board of Supervisors
- o Member or designee appointed by the Sacramento County Board of Supervisors
- o Member or designee appointed by the San Joaquin County Board of Supervisors
- o Member or designee appointed by the Solano County Board of Supervisors
- o Member or designee appointed by the Yolo County Board of Supervisors
- o Two public members appointed by the Governor, confirmed by the Senate
- o One public member appointed by the Senate Committee on Rules
- o One public member appointed by the Speaker of the Assembly

- Secretary for Natural Resources Agency or designee
- Director of Finance or designee

~~Public Resources Code Section 32330(a)(1-10)~~

County Boards of Supervisors may appoint alternates to the board. ~~Public Resources Code Section 32330(h)~~

Ex-Officio (non-voting) Members. The non-voting members are:

- A member of the Senate, appointed by the Senate Committee on Rules
- A member of the Assembly, appointed by the Speaker of the Assembly

~~Public Resources Code Section 32330(b)~~

Liaison Advisors. The liaison advisors are:

- One representative from the U.S. Fish and Wildlife Service
- One representative from the U.S. National Marine Fisheries Service
- One representative of the U.S. Bureau of Reclamation
- One representative of the U.S. Army Corps of Engineers
- A designee of the San Francisco Bay Conservation and Development Commission
- A designee of the State Coastal Conservancy
- A designee of the Suisun Resource Conservation District
- A designee of the Central Valley Flood Protection Board
- A designee of the Delta Protection Commission
- A designee of the Yolo Basin Foundation

~~Section 32330(c)(1-10)~~

Program Description

The law creating the ~~SSJDC Conservancy~~ outlines its mission, which is broadly characterized as co-equal responsibilities of ecosystem restoration and economic sustainability in the Delta. All the Conservancy activities are based on the principles of collaboration and cooperation with local governments and interested parties (Public Resources Code Section 32320). The ~~SSJDC Conservancy~~ shall:

- Act as a primary state agency to implement ecosystem restoration in the Delta; and
- Support efforts that advance environmental protection and the economic well-being of Delta residents.

Program Areas

The statute creating the ~~SSJDC~~ Conservancy provides for 12 specific program objectives:

- Protect and enhance habitat and habitat restoration.
- Protect and preserve Delta agriculture and working landscapes.
- Provide increased opportunities for tourism and recreation in the Delta.
- Promote Delta legacy communities and economic vitality in the Delta, in coordination with the Delta Protection Commission.
- Increase the resilience of the Delta to the effects of natural disasters such as floods and earthquakes, in coordination with the Delta Protection Commission.
- Protect and improve water quality.
- Assist the Delta regional economy through the operation of the conservancy's program.
- Identify priority projects and initiatives for which funding is needed.
- Protect, conserve, and restore the region's physical, agricultural, cultural, historical, and living resources.
- Assist local entities in the implementation of their habitat conservation plans (HCPs) and natural community conservation plans (NCCPs).
- Facilitate take protection and safe harbor agreements under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code) for adjacent landowners and local public agencies.

Things the Sacramento-San Joaquin Delta Conservancy May Do.

- Receive grants and other funding;
- Award grants and other funding to local government or partner agencies for projects consistent with the Conservancy's mandates;
- Develop projects and programs designed to further its purpose;
- Allocate funds to a separate program within the Conservancy for economic sustainability in the Delta;
- Collaborate, cooperate, and coordinate with interested parties to further the Conservancy's mission;
- Enter into agreements and contracts with willing participants;
- Provide technical information, expertise, program and project development and other non-financial assistance to public agencies, nonprofit organizations, and tribal organizations, in support of the Conservancy's mission and goals.

(See Appendix A for more detail regarding the Conservancy's statutory mandate and authority.)

- Promote environmental education through grant funding.

Strategic Plan Process

In November 2010, the Conservancy Board appointed a subcommittee to develop its interim strategic plan to guide the Conservancy's programs, activities, and projects until a final strategic plan could be written. The subcommittee and staff held three public meetings to refine the concepts and wording of this interim strategic plan. The interim strategic plan is anticipated to be completed by February 2011.

This interim strategic plan will be the foundation for the Conservancy's final strategic plan, due no later than two years after hiring a permanent executive officer. It is likely that the final strategic plan will be completed by mid- 2011. The Conservancy will modify the final strategic plan as needed to adapt to new information, changed circumstances, or unanticipated events. For example, the Conservancy's strategic plan is required to be consistent with the Delta Plan and the Central Valley Flood Protection Plan, both of which are expected to be completed in 2012, which may make revisions to the Conservancy's interim strategic plan necessary (see "Consistency with Other Delta Planning Efforts" later in this document). Public comment on this interim plan made in writing will be collected and considered in preparing the final strategic plan.

The strategic planning process will continue toward completing a final strategic plan. The Board is committed to completing the final strategic plan quickly and well within the legislatively mandated deadline. The Conservancy is committed to extensive public participation in the final strategic planning process, and anticipates developing a public outreach program early in 2011. The final strategic plan will continue to be revised and modified as needed.

Public outreach efforts are likely to include workshops, presentations, and opportunities for online or electronic participation. The completion of the final strategic plan marks the beginning of extensive and highly organized collaboration and cooperation with local public agencies, nonprofit organizations, and other parties interested in advancing the Conservancy's co-equal responsibilities.

This draft interim strategic plan is a working document, and guides programs, activities, and projects necessary to achieve the program objectives listed above. There is at least one more meeting of the Strategic Plan Subcommittee to work on this document, and others are likely to be scheduled. The Conservancy welcomes stakeholder comments and ideas as work on this document continues.

Other Key Questions. This interim strategic plan serves as the transition document for the Conservancy until it can complete its final strategic plan. As such, there are some

questions that are too complex to fully address given the interim plan's accelerated schedule. Answering these ~~Other~~ **key questions** will help to refine the Conservancy's programs and relationships as it sets out to achieve its co-equal responsibilities, ~~for the on-going strategic planning process, which are important but not ones that can be resolved at this time, include~~ These key questions will be addressed in the final strategic plan, and will tie directly back into the long-term goals and objectives outlined in the interim strategic plan:

- How do we promote or fund both co-equal responsibilities at the same time?
- How do we identify the Conservancy's appropriate role and relationship with other restoration, enhancement, and mitigation efforts and entities?
- How do we identify the Conservancy's appropriate role and relationship with public agencies, nonprofit organizations, and other interested parties in achieving the Conservancy's mandates?
- What are the Conservancy's criteria for identifying priority projects and for partnering with other entities, including through grants or cost-share opportunities?
- ~~Define restoration, enhancement, and protection goals?~~
- ~~Determine relationship with the Bay-Delta Conservation Plan (BDCP)~~
- ~~Determine if the Conservancy should have a role in the Delta Stewardship Council's appellate review process~~
- ~~Define Conservancy's role as forum for resolution of BDCP problems between HCPs, NCCPs, etc.~~
- ~~Determine Conservancy's role as convener and facilitator between various stakeholders and plans~~
- ~~Define areas of overlap and differences between the Conservancy and the Delta Protection Commission~~

~~Conservancy staff added two additional items, both listed in the enabling legislation:~~

- ~~Define the steps to establish a grant program and establish appropriate criteria~~
- ~~Begin identifying priority projects~~

Decision-Making and Monitoring

The Conservancy uses the best available information and science in its decision-making and is committed to building collaborative and trusting relationships with local governments and interested parties. The ~~SSJDC~~ Conservancy will build upon existing vali-

dated data and information and identify where key gaps or weaknesses may exist in order to further ~~the Conservancy's~~ mission and vision. The Conservancy also is committed to conducting its information gathering and sharing in a collaborative and open manner.

A future role for the Conservancy may include research and monitoring activities on projects and programs that support its mission, even those not initiated by the Conservancy, if project originators are willing to partner with the Conservancy for those services. The information gathered as part of the research and monitoring activities would be an integral part of the adaptive management and decision-making process for policy-makers and project originators alike. Adaptive management is a flexible decision-making process using ongoing information gathering and evaluation to modify or revise management plans or specific actions based on the new information.

Agency Funding Sources

The Conservancy's ~~base~~ budget for staff and basic operational needs consists of funding from the State General Fund. At this time, this is the only source of funds the Conservancy has for its program, and these funds only cover staffing and administration costs. The Conservancy does have \$500,000 in reimbursable authority, which gives the Conservancy authority to spend this amount if it can find the money from a source other than the General Fund. Other sources could include special funds, grants or loans from other state or federal agencies or from private sources. Currently, the Conservancy is investigating additional funding sources to develop and carry out its programs and partnerships.

The Conservancy's ability to accomplish its mission and mandates is directly related to its success in securing funding from the Legislature and other sources. Currently, the Conservancy has no funding for its programs, and may be able to secure additional, but limited, funding in the next three years. The Conservancy will need to set its priorities based on its limited funding in areas where it can be most successful.

~~Predominate among the~~One long-term options for additional Conservancy funding is the Safe, Clean, Reliable Drinking Water Supply Act of 2010 (SBX7-2), a general obligation bond proposal which was deferred to the 2012 election ballot. As of December 2010, In it's current form, if passed, this Act would authorize \$11.1 billion in general obligation bonds to finance a safe drinking water and water supply reliability program. The Conservancy potentially would receive funding from this bond; however, there is no certainty that the bond will be on the 2012 ballot or that it will succeed at the polls. Currently, there is a possibility that the bond proposal could be rewritten. Given the uncertainty about the water bond, the Conservancy is prudently seeking funding from other sources while developing tentative plans in case the bond funding does materialize. anticipates receiving \$2.25 billion of those bond funds to carry out its ecosystem and eco-

~~conomic programs in the Delta. Between now and the 2012 election, the current bond language may be rewritten. The Conservancy will be actively monitoring any proposed changes in the bond language.~~

The Conservancy may pursue and accept funds from various sources, including, but not limited to, federal, state, and local funds or grants, gifts, donations, bequests, devises, subventions, grants, rents, royalties, or other assistance from funds from public and private sources. The Conservancy may also accept fees levied by others, or create and manage endowments (Public Resources Code Section 32372). -At this point, various funding proposals are being considered, including developing partnerships with agencies that benefit from the Conservancy's activities.

The Conservancy may provide financial assistance to local public agencies and non-profit organizations through a grants program. The Conservancy may also provide technical assistance – as a form of cost-sharing – with local public agencies and non-profit organizations.

Regardless of its funding, the Conservancy is dedicated to making its funding decisions in a balanced manner to meet its program priorities.

~~[In Strategic Plan Subcommittee meeting, the concept of beneficiary pays came up. How does the subcommittee want to address that issue, here or elsewhere in the document?]~~

Conservancy Guiding Principles

This section lists the core values and philosophies describing how the Conservancy conducts itself in pursuing its mission. These include:

Our Key Objectives

- To build trust between Delta residents and interested parties as the Conservancy develops programs to meet its co-equal responsibilities of ecosystem restoration and economic sustainability for its service area.
- To foster and encourage partnerships with Delta residents and other interested parties to mutually increase our respective abilities to achieve the Conservancy's mission and goals.
- To establish a culture of working together towards cooperative solutions and valuing the diversity of all communities that care about the Delta.
- To maintain neutrality so all interested parties are provided an equal opportunity to participate in and benefit from the Conservancy's activities.
- To build upon existing local government and regional efforts (including state and federal programs) to make progress on achieving the Conservancy's mission.
- To inform and educate the public throughout the region and the state about the important contributions the Delta provides to all Californians, including providing some water to two-thirds of the state, access to recreation and tourism, and the production of a variety of important agricultural products.

Implementing Our Programs

- To establish program priorities as a primary ecosystem restoration agent which consider the concerns of local, regional, and state stakeholders, through program and organizational flexibility.
- To strive to identify and implement activities that result in integrated environmental, economic, and social benefits rather than “either/or” outcomes.
- To maximize the public resource benefits and cost-effectiveness of our programs by securing services from both the private and public sector, and by using market-based approaches to generate revenues which are reinvested in our programs, where appropriate.
- To use the best available information and science in making decisions, identifying opportunities, and initiating and building upon Conservancy programs and projects.

How We Operate

- We are committed to innovation and to adapting to new information and situations.
- We are committed to seeking knowledge from others and to sharing what we have learned through our educational and communication activities.
- We are committed to attracting, developing and sustaining a competent, creative, and productive workforce to help the Conservancy meet its co-equal responsibilities.
- We are committed to being professional, courteous, responsive, ethical, and helpful in our dealings with each other and with people outside the Conservancy.
- We are committed~~de~~ to conducting operations openly. Decision making will be transparent, and we strive to improve communications throughout the region.
- We are committed to developing program priorities that consider the input received through community outreach efforts and seek to meet community needs, recognizing local and regional differences, through program and organizational flexibility.

Agency Assessment

The SSJDC Conservancy came into existence on February 3, 2010. As a new organization, the Conservancy needs to create strategies and actions that recognize the many factors that support or create barriers to achieving its co-equal responsibilities. As the ~~draft~~ interim strategic plan is revised, more formal tools such as SWOT (strength, weakness, opportunities, and threats) analysis, can be used to identify external and internal conditions that could impact the Conservancy's ability to fulfill its mission. In this context, external conditions are things over which the Conservancy has input, but little control, such as state regulations, other programs, or the budget process. Internal conditions are things over which the Conservancy has input and control, such as how to spend the money, staffing, program priorities, etc.

The following assessment summarizes existing information from several sources. The Conservancy anticipates refining this section through public forums.

External Assessments

The Delta covers only about 1 percent of the state's area, yet its size belies its contribution to the state and nation, as it provides a set of environmental and economic services whose benefits extend well beyond its borders. Those services include:

- Land uses (agricultural, urban, and conservation)
- Flood management
- Ecosystem services
- Water supply
- Water quality management and discharges
- Transportation
- Utilities
- Recreation and Tourism
- Local and state economies

As a dynamic system, the area's complexity presents data gaps and uncertainties even in light of increasing knowledge about the Delta. The services the Delta provides are interrelated, and there are conflicts within the system, especially between the ecosystem and water supply. All of the area's services depend on the levee system.

Listed below are some key points about the Delta:

- The predominant land uses in the Delta is agriculture and in the Suisun Marsh it is wetland conservation.
- Urban growth is limited by provisions in the Delta Protection Act and the Suisun Marsh Preservation Act, and the Delta is surrounded by some of the fastest growing areas in California.
- The Delta has about 500,000 acres of highly productive farmland; ~~and~~ about 40,000 acres of Delta agricultural land use was converted ~~sion from agriculture~~ to urban and conservation uses occurred between 1990 and 2004.
- The Delta lies at or below sea level, and the great majority of Delta lands are protected from flooding by levees. Most of these levees are locally built and maintained and subject to varying risks of failure.
- Citing anticipated increases in sea level and other levee risks, the US Army Corps of Engineers decided in 20xx not to set a “base flood elevation” for the Delta, a decision that highlights the flood risk in the Delta and impacts decision making by both local governments and landowners.
- ~~All Delta services rely on the levee system, yet the U.S. Army Corps of Engineers recently decided not to determine a base flood elevation, which impacts local governments and residents’ ability to make land use decisions.~~
- ~~Levees, most of which are locally built and maintained, are subject to failure from several sources.~~
- More than 10 percent of California’s remaining wetlands are in the Suisun Marsh, which is an important wintering and nesting area for waterfowl of the Pacific Flyway.
- The Delta is considered among the most at-risk ecosystems in the United States.
- About 2/3 of Californians get some portion of their drinking water from the Delta; 87 percent of the municipal water used in the East Bay Area is either diverted or transported across the Delta; and almost 2.5 million acres of agricultural land outside of the Delta are irrigated with exported water.
- Water quality in the Delta can be negatively affected by upstream discharges, in-Delta discharges, water exported from the Delta, and seawater intrusion. The Delta is managed to control salinity.
- In addition to being a water supply hub, the Delta is a transportation hub intersected by highways, shipping channels, airways, and rail lines. The Sacramento and Stockton ports are key to goods movement in the state.
- The Delta is also intersected by a variety of utilities such as electrical transmission lines, natural gas pipelines, petroleum pipelines, and water pipelines that serve Californians throughout the state.

- Recreation and tourism in the Delta **currently** is mostly water-based, primarily in the forms of fishing and boating. Other activities include waterfowl and upland game bird hunting, wildlife viewing, bird watching, and photography. Recreational opportunities will expand with the completion of the Great California Delta Trails initiative; eco-tourism and agri-tourism also will increase tourism opportunities in the Delta.
- The Delta is home to more than 500,000 people and 250,000 jobs, and contributes more than \$35 billion to the state's economy. Infrastructure replacement costs in potentially flooded areas could reach \$40 billion or more.

External Challenges. A great deal of political and public attention has been focused on the Delta over the years. The recent round of this attention led to the creation of the Conservancy.

The scale, scope, and complexity of resources, funding, and institutional needs exceed the current capacity of existing programs in the both public and private sector. This presents many challenges to Delta residents, interested parties, and the state as they try to address the natural resources and community needs. The following is a list of **some of** the institutional and resource challenges facing the Conservancy and its service area:

Institutional Challenges	Resource Challenges
<ul style="list-style-type: none"> •1. _____ Lack of funding •2. _____ Need to determine priorities based on existing staff levels •3. _____ Conflicting objectives and timelines regarding Delta efforts •4. _____ Conveying clear identity and role of Delta Conservancy •5. _____ Few Californians understand the significance of the Delta •6. _____ As a result of current economy, hiring freezes and state-imposed cost saving measures <u>that impact the Conservancy's ability to carry out its programs</u> 	<ul style="list-style-type: none"> • Increased urbanization affecting the Conservancy's service area • Increased demand on existing water supplies • Maintaining Delta economy in light of changing state and national policies • Impaired water quality • Adverse effects on land and water species and their habitat, many of which already face declining health and numbers • Significant risk in the Delta from floods and potential earthquakes • Potential loss of historical and cultural character of communities •• Adverse impacts of climate change and sea level rise on natural resources, watersheds, and local economies in the Delta.

Conservancy and Climate Change

One key – and potentially controversial – issue for the Conservancy’s final strategic plan will be how to address the effects of climate change and climate change-related policies on the Conservancy’s programs. Data suggest that the state has already experienced a small rise in sea level, and the overwhelming scientific consensus is that the rate of rise will accelerate significantly over coming decades. In addition, the state is projected to experience increases in average temperatures, increasingly severe storms, more frequent major droughts, and reduced snowpack and overall water availability.

Policy responses at the state level focus on reducing net emissions of global warming glasses, on encouraging the “sequestration” of carbon, and on adapting to the consequences of the degree of climate change to which we are already committed.

For the Delta as a whole, climate change presents a challenge and potential opportunity. The uncertainty about future climate makes land use and public safety planning and decision making challenging and at times, difficult. Opportunities exist for new markets, technology, and methods of addressing future uncertainty. The Conservancy has a role in assisting the Delta in the areas of mitigation (helping Delta agricultural and business operations become more energy efficient); sequestration (facilitating where possible the participation of Delta farmers in income-producing sequestration); and adaption. Of these, the Conservancy’s assistance in adaptation to future climate-related policies is likely to be the most significant.

The 2009 California Climate Adaptation Strategy (CAS) report summarizes the best known science on climate change impacts in the state to assess vulnerability and possible solutions to promote resiliency. The CAS takes into account the long-term, complex, and uncertain nature of climate change and establishes a proactive foundation for an ongoing adaptation process. The most current study, led by the Scripps Institution of Oceanography and cited by the State Lands Commission in its sea level rise assessment report, projects a range of sea level rise between 16 and 55 inches along the California coast.

Although not explicitly identified in the Conservancy’s enabling legislation, the CAS (as it is and will evolve) is an important external plan that the Conservancy will want to consider in its strategic planning process and have input to as it is updated. Under the provisions of CAS, the Conservancy will need to develop its criteria or guidance regarding climate change and sea level rise.

Consistency With Other Delta Planning Efforts. The Conservancy's strategic plan must be consistent with at least five other plans (Public Resources Code Sec. 32376). To ensure the success of the Conservancy's programs, it is likely that the strategic plan also will need to be consistent with the general plans and habitat conservation plans of the Delta counties as well as other documents, such as the Delta Protection Commission's economic sustainability plan. Funds provided to the Conservancy to implement ecosystem restoration projects pursuant to the Bay Delta Conservation Plan shall only be used for ecosystem restoration purposes (Public Resources Code Sec. 32360(3)). Meeting these statutory requirements will require a large amount of collaboration and coordination.

The Conservancy will partner with other agencies or be the primary agency carrying out several of the ecosystem restoration or economic sustainability activities proposed under these various plans. Currently, the Board directed Conservancy staff to observe and track ~~is observing and tracking the development of~~ these various plans, with minimal participation in the policy making elements; as the ~~draft interim~~ Conservancy's strategic plan ~~takes shape~~ continues to be developed, this decision may be revisited.

The five plans with which the Conservancy's ~~draft~~ interim strategic plan must be consistent are:

- Delta Plan, by the Delta Stewardship Council, due January 1, 2012;
- Land Use and Resource Management Plan, by the Delta Protection Commission, updated 2010;
- Central Valley Flood Protection Plan, by the California Department of Water Resources, due by January 1, 2012;
- Suisun Marsh Preservation Act of 1977; and
- Habitat Management, Preservation and Restoration Plan for the Suisun Marsh (Suisun Marsh Plan), by the Suisun Charter Group. The public review draft was released in November 2010.

The Conservancy's staff is completing an initial inventory of proposed actions under these plans, if available, and will analyze how those proposed actions could fit within the Conservancy's ~~draft~~ interim strategic plan.

Internal Assessment

The ~~SSJDC~~ Conservancy is mandated to serve a broad range of purposes. To develop effective programs and set priorities, the Conservancy must actively engage with the local governments, Delta residents, state and federal governments, and interested par-

ties to develop partnerships and outreach. Communication with stakeholders is critical for the success of the Conservancy, its mission, and its ~~draft~~ interim strategic plan.

At this nascent stage, the Conservancy is determining where its niche lay, keeping in mind the principles of building trust and building upon existing efforts to achieve its co-equal responsibilities.

Large area. The Conservancy's service area includes approximately 1,300 square miles and more than 1,000 miles of levees and waterways in parts of six counties. Headquarters for the Conservancy must be in the legal Delta (as defined in Water Code Section 12220). This creates transportation, communication, and operational challenges. An effective organizational response will require strategic-thoughtful use of the Conservancy's resources and a commitment to on-going communication with the public and all partners.

Complex Institutional Setting. The ~~SSJDC~~ Conservancy operates in a complex institutional setting. The Board includes 2 representatives from the Executive Branch (the Natural Resources Secretary and the Department of Finance Director), 2 representatives from the Legislature (non-voting members, one each from the Senate and Assembly), 5 local government representatives (one each from the five Delta Counties), and 4 general public members (2 gubernatorial appointees, and one each from the Senate and Assembly). In addition to the voting and non-voting members, the Board also has 10 liaison advisors from federal, state, and local agencies. (See Governance Section for more detail.)

There are more than 200 entities with some jurisdiction in the Delta, including special districts.

Program Diversity. The Sacramento-San Joaquin Delta Conservancy Act lists 12 program areas for which the Conservancy is responsible. The complexity involved in developing programs for these 12 areas is matched by the complexity of the Delta system itself. Whatever else the Delta may be, it is not a place where a "one size fits all" approach will work.

As the Delta region experiences change – as all regions within California are – it is important for the Conservancy to maintain as much flexibility in its approach as possible. The Conservancy believes that developing partnerships is a good way of maintaining that flexibility while still dealing with its program diversity.

One way the Conservancy sees its partnership role is in receiving and providing grants to other agencies. Should the Water Bond be enacted in 2012, the Conservancy will have millions of dollars to distribute through a grants program. Should the Water Bond not be enacted, the Conservancy still is planning to form partnerships to pursue federal government and private grant funding.

Emphasizing Collaboration and Cooperation. The Conservancy is committed to working collaboratively and cooperatively with Delta residents, all levels of government, and a variety of partners, including non-governmental organizations and private landowners. The [SSJDC Conservancy](#) will consult with city or county governments where grant money will be spent and coordinate with appropriate state agencies (Public Resources Code Section 32363).

Partnerships. Integral to the success of the Conservancy will be its partnerships with local, state, federal, and non-governmental entities. Some partnerships are mentioned in the Sacramento-San Joaquin Delta Conservancy Act, such as with the 10 liaison member agencies and the Delta Stewardship Council. Other partnerships will evolve over time as the Conservancy refines its role and identifies project priorities and opportunities.

Conservancy's Three Year Organizational Strategic Goals

During the next three years, the [SSJDC Conservancy](#) will work to build an effective infrastructure to carry out its mission, to develop strategies, and to set priorities for decision making on projects and site-specific activities. To carry out its mission, the Conservancy will focus on key organizational areas:

- [••](#) Create an effective organization
- [••](#) Implement a balanced program
- [••](#) Identify funding needs and sources
- [••](#) Increase knowledge and capacity
- [••](#) Use and share best available information

Organizational Goal I: Create an effective organization

Less than a year old, the Conservancy is defining its key purposes, functions, and project goals and developing an organizational structure to support those. It hired staff; adopted rules, administrative regulations, and guidelines for Conservancy operations; and designed organizational management structure. It is in the process of establishing a permanent headquarters site.

The Conservancy's organization structure emphasizes teamwork and flexibility. It addresses the challenges of serving a large and diverse area and is committed to forming partnership with other governmental agencies and interested parties.

The Conservancy does not supersede local or regional efforts; instead, its efforts are to emphasize community interaction and build upon and enhance existing infrastructure.

Strategies to Support Organizational Goal 1

Strategy 1.1: Ensure an open and transparent decision-making process by adopting understandable rules, guidelines, and procedures for the Conservancy's business.

Strategy 1.2: Conduct a ~~robust~~ public outreach and feedback program within the region and in the state's metropolitan areas important to the success of the Conservancy's programs.

Strategy 1.3: Ensure an active role, participating as a key partner in the development and implementation of the Delta Plan and the Bay-Delta Conservation Plan.

Organizational Goal 2: Implement a balanced program

The ~~SSJDC~~Conservancy places a priority on projects and activities that provide multiple benefits consistent with program goals. The integration of environmental, economic, and social aspects is encouraged and supported.

The Conservancy will make every effort, over time, to allocate resources and activities equitably across the Conservancy's service area. Even so, in the initial years of operations, the diversity, complexity, and uniqueness of the Delta may create challenges in achieving this objective. Funding limitations and restrictions may also present challenges in achieving this objective. Compounding that challenge will be a desire to invest in projects that also provide statewide benefits.

The Conservancy will continue to identify efforts and activities with Delta-wide applications and benefit. This may include communication efforts that include information collection and dissemination.

Strategies to Support Organizational Goal 2

Strategy 2.1: Recognize the need to act based on opportunity, available funding, and regional differences and statewide interest.

Strategy 2.2: Continuously refine regional and Delta-wide priority setting processes, consistent with the statute, to guide staff and the Board in decision-making.

Organizational Goal 3: Identify funding needs and sources

Adequate and stable funding sources are essential to fully implement this ~~draft~~ interim strategic plan. The SSJDC Conservancy understands that funding from any one source may be limited, inconsistent, and restricted in use; governmental funding is contingent upon appropriation and authority to spend granted by either the Legislature or Congress. The Conservancy is dedicated to securing adequate and stable funding from a variety of sources – including grants, endowments, or fees – to carry out its co-equal responsibilities. ~~Priorities Strategies identified established~~ later in this ~~draft~~ interim strategic plan will guide how available funds will be used.

Strategies to Support Organizational Goal 3

Strategy 3.1: Develop and communicate funding needs to the public, partners, and decision makers at all levels.

Strategy 3.2: Leverage and improve funding options and opportunities by identifying and communicating potential funding sources to those engaged in project activities consistent with the Conservancy's mission.

Strategy 3.3: Identify and secure additional opportunities for stable funding sources for the Conservancy.

Organizational Goal 4: Increase knowledge and capacity

The Delta communities have a rich history of self-sufficiency and resourcefulness. Many local activities, consistent with the Conservancy's mission, are underway. The Conservancy will build upon these efforts and assist communities in completing building and ~~creating their capacity to complete~~ their efforts by providing information, technical assistance, financial, or other resources.

The Conservancy recognizes that its goals and activities must be flexible to address the wide variety of regional issues and concerns, and to adapt to new information or situations. Education efforts, demonstration projects, and research and monitoring activities designed to increase knowledge will continue to be encouraged and supported.

Strategies to Support Organization Goal 4

Strategy 4.1: Determine existing and potential regional and community education, shared learning, and research projects that the Conservancy can support and enhance.

Strategy 4.2: Assist Delta communities in identifying demonstration projects and communication needs (e.g., grant opportunities) and develop partnerships to address those needs and resolve issues.

Strategy 4.3: Assist, in an advisory capacity, Delta communities on achieving, obtaining necessary information, or resolving conflicts for their habitat conservation plans or natural community conservation plans.

Organizational Goal 5: Use and share best available information

The SSJDC Conservancy will base its decisions on the best available information by engaging, compiling, synthesizing, analyzing, and sharing existing data.

Numerous governmental agencies, non-governmental entities, educational institutions, and individuals develop and maintain information that could inform the Conservancy's decision making. In many instances, this information is not readily available to others. The Conservancy will collaborate with these entities to determine information needs and define ways to make the best available information easily available to interested parties.

The Conservancy will identify and incorporate as much existing data as possible into its information collection and dissemination efforts. The Conservancy also proposes to engage community leaders and others in defining information priorities, data gaps, and dissemination methods.

To promote the Delta and the Conservancy's programs, the Conservancy will make information as widely available as possible, using multiple avenues ranging from personal contact to Internet features to other emerging technologies.

Strategies to Support Organizational Goal 5

Strategy 5.1: Identify sources of existing information relevant to the Conservancy's mission and mandates.

Strategy 5.2: Assess and share with partners information to promote decision-making that is consistent with the Conservancy's mission and mandates.

Conservancy's Mandates

These are the Conservancy's mandates listed in the Sacramento-San Joaquin Delta Conservancy Act (Public Resources Code Section 32322. Below are the 12 mandates:

- Protect and enhance habitat and habitat restoration
- Protect and preserve Delta agriculture and working landscapes
- Provide increased opportunities for tourism and recreation in the Delta
- Promote Delta legacy communities and economic vitality in the Delta, in coordination with the Delta Protection Commission
- Increase the resilience of the Delta to the effects of natural disasters such as floods and earthquakes, in coordination with the Delta Protection Commission
- Protect and improve water quality
- Assist the Delta regional economy through the operation of the Conservancy's programs
- Identify priority projects and initiatives for which funding is needed
- Protect, conserve, and restore the region's physical, agricultural, cultural, historical, and living resources
- Assist local entities in the implementation of their habitat conservation plans (HCPs) and natural community conservation plans (NCCPs)
- Facilitate take protection and safe harbor agreements under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code) for adjacent landowners and local public agencies
- Promote environmental education through grant funding

Conservancy's ~~Three Year Program~~ Long-Term Goals and Near-Term Strategies

The Conservancy's mandates are ambitious and will only be accomplished over time, with strong and committed partnerships, clear priorities, and adequate and dedicated funding. As a new agency, the Conservancy is just beginning to lay the groundwork for its success in achieving the mandates. To assist in laying the groundwork for success, the Conservancy developed four long-term goals with objectives for this interim strategic plan, based on the state legislative mandates. The near-term strategies reflect what the Conservancy believes it can reasonably do in the transition period between this interim strategic plan and the final strategic plan to address these goals and objectives.

Long-Term Goal: Act as a primary state agency to implement ecosystem restoration in the Delta.

Long-Term Objectives:

- Protect and enhance habitat and habitat restoration
- Assist local entities in the implementation of their habitat conservation plans (HCPs) and natural community conservation plans (NCCPs)
- Facilitate take protections and safe harbor agreements for adjacent landowners and local public agencies

Near-Term Strategies:

1. Develop the criteria by which the Conservancy will determine priority projects that are consistent with the Conservancy's mission and mandates.
2. Serve as a clearinghouse of information regarding existing Delta habitat restoration and enhancement efforts.
3. Participate in the Delta Plan and other ecosystem restoration processes in anticipation of being a primary state agency to implement ecosystem restoration in the Delta.
4. Identify, establish partnerships, and participate in existing Delta habitat restoration and enhancement efforts, including assistance to local entities with implementing their HCPs or NCCPs.
5. Establish opportunities to facilitate take protections and safe harbor agreements that could include developing a permit streamlining process, workshops, or other processes to assist local landowners and local public agencies.

Long-Term Goal: Support efforts that advance and protect the economic well-being of Delta residents.

Long-Term Objectives:

- Protect and preserve Delta agriculture and working landscapes
- Provide increased opportunities for tourism and recreation
- Assist the Delta regional economy through the operation of the Conservancy's programs
- Protect, conserve, and restore the region's physical, agricultural, cultural, historical, and living resources
- Promote Delta legacy communities and economic vitality in the Delta in coordination with the Delta Protection Commission

Near-Term Strategies:

1. Develop criteria, in addition to willing sellers provisions, by which the Conservancy will pursue or agree to land ownership or land management responsibilities in the Delta.
2. Develop best management principles for agricultural and working landscapes management for potential Conservancy-owned or managed lands and identify willing landowners to develop demonstration projects using those principles.
3. Meet with other state agencies and local agencies to determine what outreach and technical assistance the Conservancy could provide regarding a multitude of topics, including but not limited to: agriculture and biodiversity, sustainable agriculture and economic policies, assist with grower's adaptation to climate change or sea level rise, and opportunities to promote agri-tourism.
4. In partnership with the Delta Protection Commission, the Department of Parks and Recreation, and local agencies, facilitate private-public collaboration in promoting Delta-based recreation and establishing methods to minimize impacts to private landowners from increased recreational use of the Delta's public lands and waterways.
5. Work with the Delta Protection Commission, Governor's Office of Economic Development, California Department of Food and Agriculture, and other state agencies and local entities to prioritize and implement actions derived from DPC's completed economic sustainability plan, due in July 2011.

Long-Term Goal: Identify and secure adequate funding to carry out the Conservancy's mission and mandates

Long-Term Objectives:

- Identify priority projects and initiatives for which funding is needed
- Identify and pursue public and private sources of potential funding for priority projects and initiatives
- Identify and secure other sources of funding from partner agencies (e.g., Prop. 84)

Near-Term Strategies:

1. Prepare the Conservancy's grant funding criteria and protocols to receive and distribute grants in anticipation of potential bond funding, federal funding, or other funding.
2. Work with partner agencies, nonprofit organizations, and interested parties to identify projects and initiatives that meet the Conservancy's criteria for priority projects and grant funding.
3. Contact and provide appropriate information to public and private sources of potential funding for priority projects and initiatives that further the Conservancy's mission and mandates (e.g., grants, endowments, etc.)
4. Work with the Governor's Office, the California Natural Resources Agency and its member departments, other state or federal agencies, and the Legislature and Congress to secure funding for Conservancy activities and operation.

Long-Term Goal: Identify and establish partnerships with interested parties to further the Conservancy's mission and mandates, including educating and advocating for the Delta as a unique natural and significant economic resource.

Long-Term Objectives

- Increase the resilience of the Delta to the effects of natural disasters such as floods and earthquakes, in coordination with the Delta Protection Commission
- Promote environmental education through grant funding
- Provide outreach to protect and improve water quality

Near-Term Strategies:

1. Attend and participate in regional flood management planning efforts, such as the Central Valley Flood Protection Plan meetings.
2. Develop a recommendation regarding an environmental education grants program in anticipation of securing funding.

3. Assist Delta residents and local entities in identifying, promoting, and communicating water quality needs and issues in the California Water Plan process.
4. Develop a climate change and sea level rise policy for the Conservancy, as required by state policy.

Next Steps

This ~~draft~~ interim strategic plan is meant to begin the ~~conversation about~~ process of defining the role of the Conservancy in the larger Delta context, and its near-term strategies to achieve its co-equal responsibilities. ~~Conservancy staff anticipates several versions of this draft interim plan before a final plan is adopted by the Board. Once the goals and strategies are determined, the next step is to identify and develop performance measures and criteria by which to judge the Conservancy's achievements.~~

This interim plan will be presented to the full Conservancy Board for its consideration at its January 19, 2011, meeting. Future revisions to this document will depend upon the outcome at that meeting.

The strategic planning process will continue toward completing a final strategic plan within the legislatively-mandated deadline, and the Board is committed to completing the final strategic plan quickly. The Conservancy is committed to public participation throughout this process, and public outreach efforts are likely to include workshops, presentations, and opportunities for online or electronic participation.

As part of the final strategic plan process, the next steps for the Conservancy include addressing and answering the key questions listed earlier in this document. Foremost among those questions is determining the Conservancy's role as a potential landowner in the Delta.

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[

[Add thanks and photo credit.]

Glossary

Adaptive management: a framework and flexible decision-making process of ongoing knowledge acquisition, monitoring, and evaluation leading to continuous improvement in management planning and project implementation to achieve specified objectives.

Conservancy: 1) a body concerned with the preservation of nature, specific species, or natural resources including agriculture, e.g., the Sacramento-San Joaquin Delta Conservancy; 2) the conservation of something, especially wildlife and the environment, in particular: preservation, protection, or restoration of the natural environment, natural ecosystems, vegetation, and wildlife; preservation, repair, and prevention of deterioration if archaeological, historical, and cultural sites and artifacts; and prevention of excessive or wasteful use of a resource.

Delta: The Sacramento-San Joaquin Delta, as defined in Water Code Section 12220, the Suisun Marsh, and parts of the Yolo Bypass.

Flood Protection: Structural and nonstructural methods of mitigating, avoiding, or reducing flooding hazards or risks.

Good Neighbor Policies: Policies to avoid negative impacts on agricultural land as a result of habitat enhancements. The goals of these policies are to assist in avoiding negative impacts, addressing and resolving unavoidable impacts, and fostering good communication and relationships among neighbors and communities. These policies may also include establishing safe harbor agreements that, among other things, limit liability for incidental take associated with agricultural and recreational activities adjacent to wildlife lands.

Habitat Conservation Plans (HCPs): Planning documents required by the U.S. Fish and Wildlife Service for an incidental take permit under the federal Endangered Species Act. Incidental take permits are required if a proposed activity would result in the death of or injury (“incidental take”) to a listed wildlife species. HCPs describe the anticipated

effects of the proposed taking, how those impacts will be minimized or mitigated, and how the HCP is to be funded.

Natural Community Conservation Plans (NCCPs): NCCPs identify and provide for the regional or area-wide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. The primary objective of the NCCP is to conserve natural communities at the ecosystem level while accommodating compatible land use.

Pacific Flyway: A major north-south route of travel for migratory birds in the Americas, extending from Alaska to Patagonia. Every year, migratory birds travel some or all of this distance both in spring and in fall, following food sources, heading to breeding grounds, or travelling to overwintering sites. The Delta, Suisun Marsh, and Yolo Bypass are part of the Pacific Flyway.

Suisun Marsh: The largest brackish marsh on the west coast of the United States. The marsh is immediately west of the Sacramento-San Joaquin Delta and is also a part of the San Francisco Bay estuary. It includes the water-covered areas, tidal marsh, diked-off wetlands, seasonal marshes, lowland grasslands, upland grasslands, and cultivated lands.

Sustainability: the capacity to endure; in this document, sustainable/sustainability refers to plans or actions that help to meet the needs of the present without compromising the ability of future generations to meet their own needs

Working Landscapes: The working landscape is defined as an economically and ecologically vital and sustainable landscape where agricultural and other natural resource-based producers generate multiple public benefits while providing for their own, and their communities', economic and social well-being.

Appendix ~~Aces~~:

~~Appendix A: full text of SBX 7-I Sacramento-San Joaquin Delta Conservancy Act~~

~~Appendix B: etc.?~~

DIVISION 22.3.
SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY
[in Chapter 5, Statutes of 2009]

Chapter 1. General Provisions

32300. This division shall be known, and may be cited, as the Sacramento-San Joaquin Delta Conservancy Act.

32301. The Legislature finds and declares all of the following:

(a) The Sacramento-San Joaquin Delta is a unique natural resource of local, state, and national significance.

(b) At 1,300 square miles, the Delta is the largest estuary on the west coast of North and South America.

(c) Its rivers and labyrinths of sloughs and channels are home to 750 species of plants and wildlife as well as 55 species of fish, provide habitat for 700 native plant and animal species, and are part of the Pacific Flyway.

(d) The Delta contains more than 500,000 acres of agricultural land, with unique soils, and farmers who are creative and utilize innovative agriculture, such as carbon sequestration crops, subsidence reversal crops, wildlife-friendly crops, and crops direct for marketing to the large urban populations nearby.

(e) The Delta and Suisun Marsh provide numerous opportunities for recreation, such as boating, kayaking, fishing, hiking, birding, and hunting. Navigable waterways in the Delta are available for public access and currently make up the majority of recreational opportunities. There is a need for land-based recreational access points including parks, picnic areas, and campgrounds.

(f) The Delta's history is rich with a distinct natural, agricultural, and cultural heritage. It is home to the community of Locke, the only town in the United States built primarily by early Chinese immigrants. Other legacy communities include Bethel Island, Clarksburg, Courtland, Freeport, Hood, Isleton, Knightsen, Rio Vista, Ryde, and Walnut Grove.

(g) The Delta is home to more than 500,000 people and 200,000 jobs, and contributes over thirty-five billion dollars (\$35,000,000,000) to the state's economy.

(h) In addition, the Delta provides water to more than 25 million Californians and three million acres of agricultural land. It supports a four hundred billion dollar (\$400,000,000,000) economy and is traversed by energy, communications, and transportation facilities vital to the economic health of California.

(i) A Sacramento-San Joaquin Delta Conservancy can support efforts that advance both environmental protection and the economic well-being of Delta residents in a complementary manner, including all of the following:

- (1) Protect and enhance habitat and habitat restoration.
- (2) Protect and preserve Delta agriculture and working landscapes.
- (3) Provide increased opportunities for tourism and recreation.
- (4) Promote Delta legacy communities and economic vitality in the Delta in coordination with the Delta Protection Commission.
- (5) Increase the resilience of the Delta to the effects of natural disasters such as floods and earthquakes, in coordination with the Delta Protection Commission.
- (6) Protect and improve water quality.
- (7) Assist the Delta regional economy through the operation of the conservancy's program.
- (8) Identify priority projects and initiatives for which funding is needed.
- (9) Protect, conserve, and restore the region's physical, agricultural, cultural, historical, and living resources.
- (10) Assist local entities in the implementation of their habitat conservation plans (HCPs) and natural community conservation plans (NCCPs).
- (11) Facilitate take protection and safe harbor agreements under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code) for adjacent landowners and local public agencies.
- (12) Promote environmental education.

Chapter 2. Definitions

32310. For the purposes of this division, the following terms have the following meanings:

(a) "Board" means the governing board of the Sacramento-San Joaquin Delta Conservancy.

(b) "Conservancy" means the Sacramento-San Joaquin Delta Conservancy.

(c) "Delta" means the Sacramento-San Joaquin Delta as defined in Section 12220 of the Water Code.

(d) "Fund" means the Sacramento-San Joaquin Delta Conservancy Fund created pursuant to Section 32360.

(e) "Local public agency" means a city, county, special district, or joint powers authority.

(f) "Nonprofit organization" means a private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code and that has among its principal charitable purposes preservation of land for scientific, recreational, scenic, or open-space opportunities, protection of the natural environment, pres-

ervation or enhancement of wildlife, preservation of cultural and historical resources, or efforts to provide for the enjoyment of public lands.

(g) “Suisun Marsh” means the area defined in Section 29101 and protected by Division 19 (commencing with Section 29000).

Chapter 3. Sacramento-San Joaquin Delta Conservancy

32320. There is in the Natural Resources Agency the Sacramento-San Joaquin Delta Conservancy, which is created as a state agency to work in collaboration and cooperation with local governments and interested parties.

32322. (a) The conservancy shall act as a primary state agency to implement ecosystem restoration in the Delta.

(b) The conservancy shall support efforts that advance environmental protection and the economic well-being of Delta residents, including all of the following:

- (1) Protect and enhance habitat and habitat restoration.
- (2) Protect and preserve Delta agriculture and working landscapes.
- (3) Provide increased opportunities for tourism and recreation in the Delta.
- (4) Promote Delta legacy communities and economic vitality in the Delta, in coordination with the Delta Protection Commission.
- (5) Increase the resilience of the Delta to the effects of natural disasters such as floods and earthquakes, in coordination with the Delta Protection Commission.
- (6) Protect and improve water quality.
- (7) Assist the Delta regional economy through the operation of the conservancy’s program.
- (8) Identify priority projects and initiatives for which funding is needed.
- (9) Protect, conserve, and restore the region’s physical, agricultural, cultural, historical, and living resources.
- (10) Assist local entities in the implementation of their habitat conservation plans (HCPs) and natural community conservation plans (NCCPs).
- (11) Facilitate take protection and safe harbor agreements under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code) for adjacent landowners and local public agencies.
- (12) Promote environmental education through grant funding.

(c) When implementing subdivision (b), the conservancy shall under-take efforts to enhance public use and enjoyment of lands owned by the public.

Chapter 4. Governing Board

32330. The board shall consist of 11 voting members and two nonvoting members, appointed or designated as follows:

The 11 voting members of the board shall consist of all of the following:

- (1) The Secretary of the Natural Resources Agency, or his or her designee.
- (2) The Director of Finance, or his or her designee.
- (3) One member of the board or a designee who is appointed by the Contra Costa County Board of Supervisors, who is a resident of that county.
- (4) One member of the board or a designee who is appointed by the Sacramento County Board of Supervisors, who is a resident of that county.
- (5) One member of the board or a designee who is appointed by the San Joaquin County Board of Supervisors, who is a resident of that county.
- (6) One member of the board or a designee who is appointed by the Solano County Board of Supervisors, who is a resident of that county.
- (7) One member of the board or a designee who is appointed by the Yolo County Board of Supervisors, who is a resident of that county.
- (8) Two public members appointed by the Governor, subject to confirmation by the Senate.
- (9) One public member appointed by the Senate Committee on Rules.
- (10) One public member appointed by the Speaker of the Assembly.
- (b) The two nonvoting members shall consist of a Member of the Senate, appointed by the Senate Committee on Rules, and a Member of the Assembly, appointed by the Speaker of the Assembly. The members appointed under this subdivision shall meet with the conservancy and participate in its activities to the extent that this participation is not incompatible with their positions as Members of the Legislature. The appointed members shall represent a district that encompasses a portion of the Delta.
- (c) Ten liaison advisers who shall serve in an advisory, nonvoting capacity shall consist of all of the following:
 - (1) One representative of the United States Fish and Wildlife Service, designated by the United States Secretary of the Interior.
 - (2) One representative of the United States National Marine Fisheries Service, designated by the United States Secretary of the Interior.
 - (3) One representative of the United States Bureau of Reclamation, designated by the United States Secretary of the Interior.
 - (4) One representative of the United States Army Corps of Engineers,

designated by the Commanding Officer, United States Army Corps of Engineers, South Pacific Division.

(5) A designee of the San Francisco Bay Conservation and Development Commission for coordination purposes.

(6) A designee of the State Coastal Conservancy for coordination purposes.

(7) A designee of the Suisun Resource Conservation District for coordination purposes.

(8) A designee of the Central Valley Flood Protection Board.

(9) A designee of the Yolo Basin Foundation.

(10) A designee of the Delta Protection Commission.

(d) The public members appointed by the Governor shall serve for a term of four years, with a two-term limit.

(e) The locally appointed members and alternates shall serve at the pleasure of the appointing board of supervisors.

(f) The public members appointed by the Senate Committee on Rules or the Speaker of the Assembly shall serve for a term of four years, with a two-term limit.

(g) The Members of the Senate and Assembly shall serve at the pleasure of the appointing body.

(h) Alternates may be appointed by the county boards of supervisors.
32332. Annually, the voting members of the board shall elect from among the voting members a chairperson and vice chairperson, and other officers as necessary. If the office of the chairperson or vice chairperson becomes vacant, a new chairperson or vice chairperson shall be elected by the voting members of the board to serve for the remainder of the term. The chairperson shall be selected from among the members specified in paragraphs (3) to (7), inclusive, of subdivision (a) of Section 32330.

32334. A majority of the voting members shall constitute a quorum for the transaction of the business of the conservancy. The board shall not transact the business of the conservancy if a quorum is not present at the time a vote is taken. A decision of the board requires an affirmative vote of six of the voting membership, and the vote is binding with respect to all matters acted on by the conservancy.

32336. The board shall adopt rules and procedures for the conduct of business by the conservancy.

32338. The board may establish advisory boards or committees, hold community meetings, and engage in public outreach.

32340. The board shall establish and maintain a headquarters office within the Delta. The conservancy may rent or own real and personal property and equipment pursuant to applicable statutes and regulations.

32342. The board shall determine the qualifications of, and shall appoint, an executive officer of the conservancy, who shall be exempt from civil service. The board shall employ other staff as necessary to execute the powers and functions provided for in this division.

32344. The board may enter into contracts with private entities and public agencies to procure consulting and other services necessary to achieve the purposes of this division.

32346. The conservancy's expenses for support and administration may be paid from the conservancy's operating budget and any other funding sources available to the conservancy.

32348. The board shall conduct business in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

32350. The board shall hold its regular meetings within the Delta or the City of Rio Vista.

Chapter 5. Powers, Duties, and Limitations

32360. (a) Except as specified in Section 32360.5, the jurisdiction and activities of the conservancy are limited to the Delta and Suisun Marsh.

(b) (1) The Sacramento-San Joaquin Delta Conservancy Fund is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, only for the purposes of this division.

(2) Funds provided for ecosystem restoration and enhancement shall be available for ecosystem restoration projects consistent with the conservancy's strategic plan adopted pursuant to Section 32376.

(3) Funds may be allocated to a separate program within the conservancy for economic sustainability in the Delta. The economic sustainability plan adopted pursuant to Section 29759 shall be the basis for the program. Funds provided to the conservancy to implement ecosystem restoration projects pursuant to the Bay Delta Conservation Plan shall only be used for ecosystem restoration purposes.

32360.5. In furtherance of the conservancy's role in implementing the Delta Plan, the conservancy may take or fund an action outside the Delta and Suisun Marsh if the board makes all of the following findings:

(a) The project implements the ecosystem goals of the Delta Plan.

(b) The project is consistent with the requirements of any applicable state and federal permits.

(c) The conservancy has given notice to and reviewed any comments received from affected local jurisdictions and the Delta Protection

Commission.

(d) The conservancy has given notice to and reviewed any comments received from any state conservancy where the project is located.

(e) The project will provide significant benefits to the Delta.

32362. The conservancy may engage in partnerships with nonprofit organizations, local public agencies, and landowners.

32363. In implementing this division, the conservancy shall cooperate and consult with the city or county in which a grant is proposed to be expended or an interest in real property is proposed to be acquired, and shall, as necessary or appropriate, coordinate its efforts with other state agencies, in cooperation with the Secretary of the Natural Resources Agency. The conservancy shall, as necessary or appropriate, cooperate and consult with a public water system, levee, flood control, or drainage agency that owns or operates facilities, including lands appurtenant thereto, where a grant is proposed to be expended or an interest in land is proposed to be acquired.

32364. (a) The conservancy may require a grantee to enter into an agreement with the conservancy on terms and conditions specified by the conservancy.

(b) The conservancy may require a cost-share or local funding requirement for a grant. The conservancy may make that cost-share or local funding requirement contingent upon the total amount of funding available, the fiscal resources of the applicant, or urgency of the project. The conservancy may waive cost-share requirements.

(c) The conservancy may fund or award grants for plans and feasibility studies consistent with its strategic plan or the Delta Plan.

(d) The conservancy may seek repayment or reimbursement of funds granted on terms and conditions it deems appropriate. The proceeds of repayment shall be deposited in the fund.

(e) The conservancy may require any funds that exceed the costs of eligible or approved projects or of acquisition to be returned to the conservancy, to be available for expenditure when appropriated by the Legislature.

32364.5. (a) The conservancy may provide grants and loans to state agencies, local public agencies, and nonprofit organizations to further the goals of the conservancy.

(b) An entity applying for a grant from the conservancy to acquire an interest in real property shall specify all of the following in the grant application:

(1) The intended use of the property.

(2) The manner in which the land will be managed.

(3) How the cost of ongoing operations, maintenance, and management will be provided, including an analysis of the maintaining entity's financial capacity to support those ongoing costs.

(4) Grantees shall demonstrate, where applicable, how they will provide payments in lieu of taxes, assessments, or charges otherwise due to local government.

32365. The conservancy may sue and be sued.

32366. (a) The conservancy may acquire from willing sellers or transferors interests in real property and improve, lease, or transfer interests in real property, in order to carry out the purposes of this division.

(b) The conservancy shall use conservation easements to accomplish ecosystem restoration whenever feasible.

32368. The conservancy may enter into an agreement with a public agency, nonprofit organization, or private entity for the construction, management, or maintenance of facilities authorized by the conservancy.

32370. The conservancy shall not exercise the power of eminent domain.

32372. (a) The conservancy may pursue and accept funds from various sources, including, but not limited to, federal, state, and local funds or grants, gifts, donations, bequests, devises, subventions, grants, rents, royalties, or other assistance and funds from public and private sources.

(b) The conservancy may accept fees levied by others.

(c) The conservancy may create and manage endowments.

(d) All funds received by the conservancy shall be deposited in the fund for expenditure for the purposes of this division.

32376. Within two years of hiring an executive officer, the board shall prepare and adopt a strategic plan to achieve the goals of the conservancy. The plan shall describe its interaction with local, regional, state, and federal land use, recreation, water and flood management, and habitat conservation and protection efforts within and adjacent to the Delta. The strategic plan shall establish priorities and criteria for projects and programs, based upon an assessment of program requirements, institutional capabilities, and funding needs throughout the Delta. The strategic plan shall be consistent with the Delta Plan, the Delta Protection Commission's resources management plan, the Central Valley Flood Protection Plan, the Suisun Marsh Preservation Act of 1977 (Division 19 (commencing with Section 29000)), and the Habitat Management, Preservation and Restoration Plan for the Suisun Marsh.

32378. (a) The conservancy may expend funds and award grants and loans to facilitate collaborative planning efforts and to develop projects and programs that are designed to further the purposes of this division.

(b) The conservancy may provide and make available technical information, expertise, and other nonfinancial assistance to public

agencies, nonprofit organizations, and tribal organizations, to support program and project development and implementation.

32380. The conservancy may acquire water or water rights to support the goals of the conservancy.

32381. This division does not grant to the conservancy any of the following:

- (a) The power of a city or county to regulate land use.
- (b) The power to regulate any activities on land, except as the owner of an interest in the land, or pursuant to an agreement with, or a license or grant of management authority from, the owner of an interest in the land.
- (c) The power over water rights held by others.